#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3949 OF 2006

Sakib Mohamad Salim Memon .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.Shriram Kulkarni for applicant
Mr.Rajesh More, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 7th November 2006

P.C.

. Heard Mr.Kulkarni for applicant and learned A.P.P. for State. The applicant has been arrested in connection with C.R.No.84 of 2006 registered with Paud Police Station alleging offences punishable under section 364 of I.P.C.

2. From the statement of complainant, a copy of which is annexed to this application, it is clear that the daughter of the complainant was

known to the applicant. They were engaged for being married soon. It is in these circumstances and after informing the complainant, his daughter left her house alongwith the applicant and another person. The incident which is alleged by the complainant is reported to the complainant by applicant himself. Prima facie, in such circumstances, it is difficult to believe that the applicant, with whom complainant's daughter was to get married, would kidnap her and demand ransom for her release. The statement read as a whole reveals that the ransom amount of Rs.60 lakhs was demanded by third person and the applicant pointed out to the complainant that the said person has kidnapped his friend Sandip and daughter of complainant.

3. In such circumstances, applicant deserves to be enlarged on bail.

4. Learned A.P.P. states that the applicant is a student and presently studying in MIT

College at Loni Kalbhor. Therefore, the applicant would not be available, more so, when the investigations are in progress.

5. The above apprehension can be taken care of by imposing conditions on the applicant including that of attendance. Hence, following order is passed:-

i) The applicant arrested in connection with C.R.No.84 of 2006 registered with Paud Police Station shall be enlarged on bail in the sum of Rs.15,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer of Paud Police Station twice in a week on every Thursday and Sunday between 10.00 a.m.and 12.00

noon till the charge sheet is filed and thereafter as directed by the trial court. Applicant shall not leave limits of Pune District without prior permission of the trial court. Applicant shall deposit his passport to I.O. if not already deposited.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any

inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

Vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)